

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Criminal No. 07-cr-45-4-PB

Ricardy Roseaux

O R D E R

On April 10, 2008, defendant appeared for a "probable cause" hearing under Fed. R. Crim. P. 32.1 on six alleged violations of conditions of supervision. Probation officer Paul Daniel testified. He established that defendant was found with convicted felons on two instances. He admitted possession of cocaine. He was not truthful with probation about his job contacts, the identities of persons he was with and he has not been employed since release. I therefore find probable cause to hold him for a revocation hearing.

Defendant sought bail conditions under Rule 32.1(a)(6). Under Rule 32.1(a)(6) defendant bears the burden of establishing by clear and convincing evidence that he will not flee and that he poses no danger to any other person or to the community. He has not borne the burden as to danger. He was unemployed, in possession of \$2,000, in a rented car, admitted to handling

cocaine, has rented a room in a Concord motel, was stopped by police in Massachusetts and had a felon in his room. That is indication of drug dealings, not job hunting in Berlin. He is a risk of flight and a danger to the community. There are no conditions which are likely to assure his presence and the safety of the community.

Accordingly, it is **ORDERED** that the defendant be detained pending trial.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection

with a court proceeding.

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: April 11, 2008

cc: David W. Ruoff, Esq.
Peter E. Papps, Esq.
U.S. Marshal
U.S. Probation